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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,206	07/23/2001	Bernd Vosseler	600.1162	2327

23280 7590 09/29/2003

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EXAMINER
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NGHIEM, MICHAEL P

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 09/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/911,206

Applicant(s)

VOSSELER ET AL.

Examiner

Michael P Nghiem

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 18.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

The Amendment filed on August 28, 2003 has been acknowledged.

#### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 28, 2003 has been entered.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarraf (US 5,764,272) in view of Buus (US 6,025,867).

Saraf disclose the following claimed features of the invention:

- a device (Figs. 1-4) for spotwise imaging printing surfaces and method for imaging printing surfaces (Figs. 1-4) comprising:

- a laser light source (20, 36) producing at least one laser beam movable relative to a printing surface (column 2, lines 45-48), the laser beam defining an image spot on the printing surface (Fig. 4), the laser source having an input laser power (via 90, 86, column 2, line 67 – column 3, line 2);

- a laser control (focus adjusting means, 61, 90, 72 and current driver 86) varying the input laser power or an exposure time as a function of a distance of the laser light source from the image spot (due to movements of drum 12, printhead 20, column 2, line 67 – column 3, line 2);

- the laser light source includes a diode laser (36);

- the laser light source produces a plurality of laser beams spatially separated from one another for simultaneous imaging a plurality of printing spots (Fig. 4);

- the laser light source includes an individually controllable diode laser array (Fig. 4);

- varying a laser power or exposure time so as to vary a spot size of image spots on the printing surface (via focus adjusting means, Abstract, lines 11-12).

- said laser beam having a position-dependent intensity distribution in two spatial directions perpendicular to a propagation axis (two-dimensional image spot projected on 12, Figs. 3, 4), and a specific divergence (image spot diverges on 12);

- said printing surface (surface of 12) at a distance from the laser light source, the laser light source having a focus distance (distance between 20 and 12, Fig. 4);
- exposing the printing surface located at the actual distance from the laser light source (Abstract, lines 1-4, Fig. 4);
- varying laser power or exposure time while maintaining the focus distance so as to vary a spot size of image spots on the printing surface (focus adjusting means adjusts position of (20, 36's) to accommodate any deviation of the image surface of 12 from the image plane of 36's, column 1, lines 42-49).

However, Saraf does not disclose a distance meter for measuring the distance of laser light source from the image spot.

Nevertheless, Buus discloses a distance meter (column 8, lines 41-42) for the purpose of maintaining a constant or substantially constant distance between the medium and the exposure device (column 8, lines 38-44).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide Saraf with a distance meter as disclosed by Buus for the purpose of maintaining a constant or substantially constant distance.

### ***Response to Arguments***

3. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

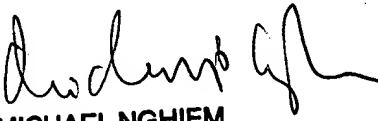
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mueller et al. (US 6,072,511) discloses a diode-laser imaging device (Fig. 1) for compensating output level variations by adjusting the input power level (Abstract, lines 1-11).

***Contact Information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (703) 308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
**MICHAEL NGHIEM**  
**PRIMARY EXAMINER**

Michael Nghiem

September 13, 2003